

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROCKEFELLER PHOTOS, LLC,

Plaintiff,

v.

FULL STACK LLC,

Defendant.

Case No. 2:25-cv-00105-CSK

ORDER GRANTING IN PART
PLAINTIFF'S MOTION TO TRANSFER
VENUE

(ECF No. 8)

Pending before the Court is Plaintiff Rockefeller Photos, LLC's motion to transfer this case to the United States District Court for the Southern District of New York and for leave to file a First Amended Complaint ("FAC"). (ECF No. 8.) Defendant Full Stack LLC has not appeared in this case and has not opposed the motion. See Docket. The Court finds Plaintiff's motion suitable for decision without oral argument pursuant to Local Rule 230(g) and vacates the June 24, 2025 hearing. For the reasons that follow, the Court orders that Plaintiff's motion is GRANTED IN PART, transferring this action to the Northern District of New York. The Court declines to address Plaintiff's motion to amend the Complaint.¹

///

¹ This matter proceeds before the undersigned pursuant to the direct assignment under Appendix A(m) of the Local Rules.

I. LEGAL STANDARDS

For claims of copyright infringement, venue is governed by the Copyright Act. *Unicolors Inc. V. Myth Clothing Co. Inc.*, 2016 WL 738289, at *3 (C.D. Cal. Feb. 22, 2016). Venue for copyright infringement claims is proper “in the district in which the defendant or his agent resides or may be found.” 28 U.S.C. § 1400(a). The Ninth Circuit interprets this provision to allow venue “in any judicial district in which the defendant would be amenable to personal jurisdiction if the district were a separate state.” *Brayton Purcell LLP v. Recordon & Recordon*, 606 F.3d 1124, 1128 (9th Cir. 2010), *abrogated on other grounds by Axiom Foods, Inc. v. Acerchem Internat., Inc.*, 874 F.3d 1064, 1069-70 (9th Cir. 2017). A court has general personal jurisdiction over a corporation in the place of incorporation and principal place of business. *Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014). This principle applies to limited liability companies. *See Allen v. Shutterfly, Inc.*, 2020 WL 5517170, at *3 (N.D. Cal. Sept. 14, 2020).

If a court determines the appropriate venue for a case lies in another division or district, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Even if venue is proper, a court may transfer an action to another district under 28 U.S.C. § 1404(a) “[f]or the convenience of parties and witnesses, in the interest of justice.”

II. DISCUSSION

Plaintiff seeks leave to file a FAC and transfer this case to the Southern District of New York. Pl. Mot. at 1 (ECF No. 8.) Plaintiff states that the initial Complaint asserted a claim for copyright infringement against Defendant Full Stack LLC, a limited liability company organized and existing under the laws of the State of California with its principal place of business located in Sacramento, California. *Id.* ¶ 1; *see* Compl. ¶ 2 (ECF No. 1). Defendant Full Stack LLC, named in the initial Complaint, contacted Plaintiff and informed Plaintiff that Full Stack LLC was not the correct defendant, and provided corporate documents supporting this representation. Pl. Mot. ¶ 2. Plaintiff conducted further research, and believes the correct entity that should be party to the

lawsuit is Full Stack LLC, a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in New York. *Id.* ¶ 3. Plaintiff states that the correct Full Stack LLC agent for service of process is located in New York: Northwest Registered Agent LLC, 418 Broadway, Suite N, Albany, New York. Pl. Proposed FAC ¶ 2 (ECF No. 8-1). Plaintiff inadvertently named the incorrect party as the Defendant, and seeks leave to amend the Complaint to name the correct Defendant. Pl. Mot. ¶ 4.

The Court finds it appropriate to grant Plaintiff's request to transfer this case. See *Unicolors Inc.*, 2016 WL 738289, at *7. The correct defendant allegedly has its principal place of business in New York, which makes New York a proper venue under the Copyright Act because a court in New York has personal jurisdiction over the correct defendant. See *Brayton Purcell LLP*, 606 F.3d at 1128; *Daimler AG*, 571 U.S. at 137. However, Plaintiff has not demonstrated why the Southern District of New York is a proper venue. Plaintiff alleges that Defendant's agent for service is located in Albany, New York, which is located in the Northern District of New York. Plaintiff alleges that Defendant has its principal place of business in New York, but does not provide an address or the city. Accordingly, the Court finds it appropriate to transfer this case to the Northern District of New York. See 28 U.S.C. § 1406(a).

The Court declines to reach the merits of Plaintiff's motion to file an amended Complaint in light of the transfer.

III. CONCLUSION

In conclusion, IT IS HEREBY ORDERED that:

1. Plaintiff Rockefeller Photos, LLC's motion to transfer and file an amended Complaint (ECF No. 8) is GRANTED IN PART as follows:
 - a. The action is TRANSFERRED to the United States District Court for the Northern District of New York; and
 - b. The Court declines to reach the merits of Plaintiff's motion that requests to file an amended Complaint in light of the transfer;

2. All previously set deadlines and hearings are VACATED; and

3. The Clerk of the Court be directed to CLOSE this case.

Dated: June 12, 2025



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

5, rock.0105.25